

CERTIFICATE OF MAILING/FACSIMILE TRANSMISSION/EFS-WEB (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being transmitted therewith) is () being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop, Commissioner for Patents, P.O. Box, 1450, Alexandria, Virginia 22313-1450, or (XXX) being transmitted by facsimile to the U.S. Patent and Trademark Office. (Fax No. 571 273 0052) (2 pages), the facsimile is being sent from (908) 429-3650, or () being submitted via EFS-Web under Private PAIR.

Alan P. Kass

(Print Name)

Date: January 8, 2009

Alan P. Kass
(Signature)Docket No. 2003US310

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL NUMBER 2009-1155

In re the application of:

Medhat A. TOUKHY et al.

Art Unit: 1795

Serial No. 10/677,318, filed October 3, 2003

Examiner: SCHILLING, Richard L.

For: **BOTTOM ANTIREFLECTIVE COATINGS****LETTER**

January 8, 2009

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Attached:
Letter - 2 pages

Serial No. 10/677,318
Filed: October 3, 2003

APPEAL NUMBER 2009-1155

Dear Sir:

In appellants' Appeal Brief filed on March 25, 2008, under STATUS OF CLAIMS, appellants noted that claims 16 to 31 and 38 to 46 had been previously withdrawn and canceled and are now the subject of pending divisional application, serial no. 11/873,522, filed October 17, 2007.

Appellants update the status of the pending divisional application identified in the STATUS OF CLAIMS in that appellants filed an appeal brief in the divisional application on October 22, 2008. The claims in the divisional application were rejected under 35 U.S.C. § 112, first paragraph, for the same reason in the case presently on appeal.

Respectfully submitted,



Attorney for Appellant(s)
Alan P. Kass
(Reg. No. 32142)
70 Meister Avenue
Somerville, New Jersey 08876
Telephone: (908) 595-3890
Telefax: (908) 429-3650

Customer No. 26,289